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Please Reply To The Cranford, New Jersey Office

January 28, 2008

MEMO ENDORSED

VIA FACSIMILE (212-805-6390)

Honorable William H. Pauley, U.S.D.J.
U.S. District Court
Southern District of New York
500 Pearl Street, Room 2210
New York, New York 10007-1312

Re: **Richard Abondolo, as Chairman of the Board of Trustees of UFCW Local 342 Health Care Fund, et al. v. Courtesy Food, Inc. d/b/a Met Food a/k/a Courtesy Food Corp.**
Case No. 07-cv-7800(WHP)(RLE)

Dear Judge Pauley:

We represent Petitioners, Richard Abondolo, as Chairman of the Board of Trustees of UFCW Local 342 Health Care Fund; and Richard Abondolo, as Chairman of the Board of Trustees of UFCW Local 342 Safety, Education, Cultural and Legal Funds, in connection with the above-referenced matter.

This letter is to advise Your Honor that the within matter is being dismissed. The Petitioners will be filing a signed Stipulation of Dismissal with the Clerk of the Court once we receive same from the Respondent.

Based upon the foregoing, we respectfully request that the Conference scheduled for tomorrow at 11:00 a.m. be cancelled or adjourned so we may have time to file the Stipulation.

Thank you for Your Honor's time and consideration in this matter.

SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.

AJC/nem 1/28/08

cc: Steven Glassman, Esq. (via facsimile @973-992-9125)

Respectfully submitted,

ANDREW JOHN CALCAGNO